

## AMS/FAST CHANGE REQUEST (CR) COVERSHEET

**Change Request Number:** 21-85

**Date Received:** Aug 12, 2021

**Title:** Real Property Clause Updates for September 2021

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**Initiator Name:** Stacie Huelsbeck

**Initiator Organization Name / Routing Code:** Procurement Policy Branch, AAP-110

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**Policy and Guidance:** (check all that apply)

- ☐ Policy
- ☐ Guidance
- ☐ Procurement Forms, Templates and Samples
- ☐ Real Property Templates and Samples
- ☐ Procurement Clauses
- ☒ Real Property Clauses
- ☐ Other FAST Tools and Resources

**Summary of Change:** The change removes and replaces all Real Property Clauses with the most current approved version.

**Reason for Change:** The change is an extension of the Real Estate Integration efforts in AMS to streamline and modernize Real Estate contract clauses.

**Development, Review, and Concurrence:** Real Estate Acquisition Change Team (REACT) members represented AAQ-900, AAP-110, AGC, and Subject Matter Experts from ATO EOSH, AXP, and AMK.

**Target Audience:** AAQ-900 Real Estate Contracting Officers and APM-200/APM-300

**Briefing Planned:** No

**ASAG Responsibilities:** None

**Section / Text Location:** On [https://fast.faa.gov/RPF\\_Real\\_Property\\_Clauses.cfm](https://fast.faa.gov/RPF_Real_Property_Clauses.cfm), add new history and matrix documents to drop down. Remove and replace Real Property Clause Table of Contents.

**The redline version must be a comparison with the current published FAST version.**

☐ I confirm I used the latest published version to create this change / redline

**or**

☒ This is new content

**Links:** [https://fast.faa.gov/RPF\\_Real\\_Property\\_Clauses.cfm](https://fast.faa.gov/RPF_Real_Property_Clauses.cfm)

**Attachments:**

Complete History with All Clauses, Complete Matrix with All Clauses, Real Estate Clauses Incorporated by Reference, Individual Clause Word Documents (listed below).

**Other Files:**

Screen Shots for Changes required to FAST page at:

[https://fast.faa.gov/RPF\\_Real\\_Property\\_Clauses.cfm](https://fast.faa.gov/RPF_Real_Property_Clauses.cfm)

**OPENING**

6.1.1 Preamble

6.1.1-1 Definitions

6.1.1-2 Outgrant Definitions

6.1.2 Succeeding Contract

6.1.2-1 Superseding Contract

6.1.3 Lease Witnesseth

6.1.3-1 Witnesseth (MOA)

6.1.3-2 Witnesseth (License)

6.1.3-3 Witnesseth (Permit)

6.1.3-4 Witnesseth (Easement)

6.1.4 Leased Space Description

6.1.4-2 Outgrant Premises

6.1.4-3 Description of Premises

6.1.5 Purpose

6.1.5-1 Outgrant Purpose

**TERMS**

6.2.1 Legal Authority

6.2.2 Scope of Easement

6.2.3 Term

6.2.3-1 On-Airport Land/MOA Term

6.2.3-2 Perpetual Easement Term

6.2.3-3 Outgrant Term

6.2.3-4 Option(s) to Extend Term

6.2.4 Consideration

6.2.4-1 Consideration (Standard Space)

6.2.4-2 Consideration (Perpetual Easement)

6.2.4-3 Consideration (Outgrant)

6.2.4-4 Consideration (No Cost)

6.2.4-5 Amortization Schedule

6.2.5 Termination

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- 6.2.5-1 Termination for Convenience
- 6.2.5-2 Termination for Default
- 6.2.5-3 Excuse
- 6.2.6 Binding Effect
- 6.2.7 FAA Facilities for MOA
- 6.2.8 Operating Cost Escalator
- 6.2.9 Tax Adjustment
- 6.2.10 Lease/Rent Commencement
- 6.2.11 Incremental Occupancy
- 6.2.12 Holdover
- 6.2.12-1 Fixed Holdover
- 6.2.13 Abandonment by Government/Right of Reversion in Grantor
- 6.2.14 Outgrant Restrictions
- 6.2.15 Expense

## GENERAL CLAUSES

- 6.3.0 RE Clauses Incorporated by Reference
- 6.3.0-1 Interest
- 6.3.0-2 Officials Not To Benefit
- 6.3.0-3 Assignment of Claims
- 6.3.0-4 Contracting Officer's Representative
- 6.3.0-5 Contingent Fees
- 6.3.0-6 Anti-Kickback Procedures
- 6.3.0-7 Equal Opportunity
- 6.3.0-8 Equal Opportunity for Veterans
- 6.3.0-9 Affirmative Action for Workers with Disabilities
- 6.3.0-10 Davis Bacon Act
- 6.3.1 Rights Reserved in the Grantor
- 6.3.2 Duties and Obligations of the Grantor
- 6.3.3 Compatible Uses by Grantor
- 6.3.4 Rights of the Government
- 6.3.5 Title to Improvements
- 6.3.6 Funding Responsibility for FAA Facilities
- 6.3.7 Accessibility
- 6.3.8 Changes
- 6.3.8-1 Outgrant Changes, Modifications
- 6.3.9 Permittee's Liability
- 6.3.9-1 Licensee's Liability for Electromagnetic Radiation
- 6.3.10 Outgrant Maintenance of the Premises
- 6.3.11 Compliance
- 6.3.12 Laws and Ordinances (License)
- 6.3.13 Damage (License)
- 6.3.13-1 Damage (Permit)
- 6.3.14 Indemnification (License)
- 6.3.15 Operation
- 6.3.16 Failure in Performance

- 6.3.17 No Waiver
- 6.3.18 Non-Restoration
  - 6.3.18-1 Restoration
  - 6.3.18-2 Restoration (Outgrants)
- 6.3.19 Condition of the Premises
- 6.3.20 Future Requirements
- 6.3.21 Attempted Variation
- 6.3.22 Transferability (License)
  - 6.3.22-1 Transferability (Permit)
- 6.3.23 Insurance (License)
- 6.3.24 Nondiscrimination (License)
- 6.3.25 Quiet Enjoyment
- 6.3.26 Damage by Fire or Other Casualty or Environmental Hazards
  - 6.3.26-1 Damage by Fire or Other Casualty or Environmental Hazards
- 6.3.27 Delivery and Condition
  - 6.3.27-1 Occupancy Permit
- 6.3.28 Interference
  - 6.3.28-1 Interference (Outgrant)
  - 6.3.28-2 Interference with FAA Operations
- 6.3.29 Alterations
- 6.3.30 Hold Harmless
- 6.3.31 Compliance with Applicable Laws
- 6.3.32 Examination of Records
- 6.3.33 Subordination, Nondisturbance and Attornment
- 6.3.34 Notification of Change in Ownership or Control of Land
  - 6.3.34-1 Change of Ownership/Novation
- 6.3.35 Sublease
- 6.3.36 Integrated Agreement
- 6.3.37 Unauthorized Negotiating
  - 6.3.37-1 Unauthorized Negotiating
- 6.3.38 Inspection of Leased Premises
- 6.3.39 Contract Disputes
  - 6.3.39-1 Disputes
- 6.3.40 Mineral Rights
- 6.3.41 Clearing/Disposing of Debris
- 6.3.42 Road Maintenance Included in Rent
  - 6.3.42-1 Road Maintenance
- 6.3.43 Change of Address
- 6.3.44 Breach
- 6.3.45 Governing Law
- 6.3.46 Access to FAA property

## FINANCIAL CLAUSES

- 6.4.1 System for Award Management - Real Property (SAM Waiver)
  - 6.4.1-1 System for Award Management - Real Property
- 6.4.2 Payment by Electronic Funds Transfer

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#### 6.4.2-1 Payment by Electronic Funds Transfer- System for Award Management

### DESIGN & CONSTRUCTION

#### 6.5.1 Tenant Improvements

##### 6.5.1-1 Lessor's Recovery of Tenant Improvement Costs in Excess of the Allowance

##### 6.5.1-2 Lessor's Recovery of Tenant Improvement Allowance in the Event of Termination

#### 6.5.2 Work Performance

#### 6.5.3 Responsibility of the Lessor and Lessor's Architect/Engineer

#### 6.5.6 Liquidated Damages

#### 6.5.7 Construction Schedule and Acceptance of Tenant Improvements

#### 6.5.8 Design Intent Drawings

##### 6.5.8-1 Government Provided Design Intent Drawings

##### 6.5.9 Budget Proposal for Tenant Improvements shown on Design Intent Drawings

##### 6.5.10 Contractor's Unit Prices/Costs and Construction Schedule

##### 6.5.11 Construction Drawings

##### 6.5.12 Tenant Improvements Price Proposal Based on Construction Drawings

##### 6.5.13 Construction of Tenant Improvements

##### 6.5.14 Construction Coordination

##### 6.5.15 Construction Inspections

##### 6.5.16 Progress Reports

##### 6.5.17 Wiring for Telephones

##### 6.5.18 Installation of Antennas, Cables & Other Appurtenances

##### 6.5.19 As-Built Floor Plans after Occupancy

##### 6.5.20 Air Balance Report

##### 6.5.21 Walk-Through Inspection and Acceptance of Space

##### 6.5.22 Measurement of Space

### GENERAL BUILDING REQUIREMENTS & SPECIFICATIONS

#### 6.6.1 Doors

#### 6.6.2 Lighting

#### 6.6.3 Adhesives and Sealants

#### 6.6.4 Ceilings

#### 6.6.5 Floor Load

#### 6.6.6 Painting

#### 6.6.7 Display Advertising

#### 6.6.8 Erection of Signs

#### 6.6.9 Window and Floor Covering

#### 6.6.10 Seismic Safety for Existing Building

#### 6.6.11 Seismic Safety for New Construction

#### 6.6.12 Seismic Safety for Equipment

#### 6.6.13 Construction Waste Management

#### 6.6.14 Green Label Certification for Sustainability Verification

### SERVICES, UTILITIES, & MAINTENANCE CLAUSES

#### 6.7.1 Services, Utilities, and Maintenance of Premises

##### 6.7.1-2 Utilities not provided by the Lessor

- 6.7.2 Janitorial Services
- 6.7.3 HVAC
- 6.7.4 Landscaping
- 6.7.5 Pest Control

## ENVIRONMENTAL & OCCUPATIONAL SAFETY & HEALTH CLAUSES

- 6.8.1 Hazardous Substance Contamination
  - 6.8.1-1 Hazardous Substance (Outgrant)
- 6.8.2 Environmental Liability
- 6.8.3 Fire and Life Safety Requirements
- 6.8.4 Fall Protection
- 6.8.5 Environmental and Occupational Safety and Health (EOSH) Requirements
  - 6.8.5-1 Environmental and Occupational Safety Health (EOSH) Requirements for ATCT
- 6.8.6 Recycling
- 6.8.7 Indoor Air Quality
- 6.8.8 Mold Growth Identification and Control
- 6.8.9 Drinking Water
- 6.8.10 Halon
- 6.8.11 Radon Air Levels
- 6.8.12 Asbestos
- 6.8.13 Warranty of Space
- 6.8.14 Electrical Safety

## SECURITY CLAUSES

- 6.9.1 Facility Security
- 6.9.2 Foreign Nationals as Contractor Employees
- 6.9.3 Real Estate Contractor Personnel Suitability Requirements
- 6.9.4 Access to FAA Systems and Government Issued Keys, Personal Identification Verification (PIV) Cards, and Vehicle Decals
- 6.9.5 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
  - 6.9.5-1 Covered Telecommunications Equipment or Services- Representations
  - 6.9.5-2 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment
- 6.9.6 Cooperation with Defensive Counterintelligence Program Requirements (DCIP)

## CLOSING

- 6.10.1 Notices
  - 6.10.1-2 Notices for Outgrants
- 6.10.3 Signature Block
  - 6.10.3-1 Outgrant Signature Block